

**FINDING OF NO SIGNIFICANT IMPACT
FOR THE
DECEMBER 2011 COMPETITIVE OIL AND GAS LEASE SALE
ENVIRONMENTAL ASSESSMENT
DOI-BLM-NV-B020-2011-0081-EA**

I have reviewed Environmental Assessment (EA) **DOI-BLM-NV-B020-2011-0081-EA**, dated June 13, 2011. After consideration of the environmental effects of the Bureau of Land Management's (BLM's) Proposed Action described in the EA and supporting documentation, I have determined that the Proposed Action with the project design specifications identified in the EA is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27. Therefore, preparation of an Environmental Impact Statement is not required as per section 102(2)(c) of the National Environmental Policy Act.

I have determined the Proposed Action is in conformance with the approved 1997 Tonopah Resource Management Plan and is consistent with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ's) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

CONTEXT:

Interest was expressed in leasing 155 oil and gas lease parcels, including 341,128.65 acres, for the December 2011 Competitive Oil and Gas Lease sale. The list of parcels was forwarded to the Tonopah Field Office for environmental analysis.

During internal review of the current Tonopah RMP (1997), the interdisciplinary staff determined that there were 3 parcels that should be partially removed from the December lease sale because the parcels are wholly located in no surface occupancy areas due to mineral leasing restrictions and are not accessible to drilling from the outside periphery of the parcels. In addition, 19 parcels were deferred because of sage grouse resource conflicts and interference with military operation on withdrawn land issued to the United States Air Force. The deferred parcels are listed below:

NV-11-12-135, T. 7 N., R. 52 E., Section 13, S½; Section 14, SE¼, Section 24; Section 23, E½, NV-11-12-137, T. 7 N., R. 52 E., Section 36, N½ and SE¼, and Section 25, NV-11-12-138, T. 7 N., R. 52 E., Section 26, NE½ and S½; Section 35, N½, NV-11-12-039, NV-11-12-040, NV-11-12-041, NV-11-12-042, NV-11-12-043, NV-11-12-044, NV-11-12-045, NV-11-12-046, NV-11-12-047, NV-11-12-080, NV-11-12-111, NV-11-12-112, section 26 only, NV-11-12-113, NV-11-12-114, NV-11-12-115, NV-11-12-116, NV-11-12-094, NV-11-12-095, NV-11-12-096

The Proposed Action is to offer 136 parcels within the Tonopah Planning Area for competitive oil and gas leasing. The parcels include 301,774.88 acres of public land administered by the BLM, Tonopah Field Office. Standard terms and conditions as well as special stipulations would

apply. Lease stipulations (as required by Title 43 CFR 3131.3) would be added to the 136 parcels to address site specific concerns or new information not identified in the land use planning process.

Once the parcels are sold, the lessee has the right to use as much of the leased lands as is reasonably necessary to explore and drill for oil and gas within the lease boundaries, subject to the stipulations attached to the lease (Title 43 CFR 3101.1-2). However, prior to any surface disturbing activities, additional NEPA analysis is required.

Drilling of wells on a lease is not permitted until the lease owner or operator secures approval of a drilling permit and a surface use plan specified under Onshore Oil and Gas Orders, Notice to Lessee's (NTL's) listed in Title 43 CFR 3162.

The 136 parcels contain a special Cultural Resources Lease Notice stating that all development activities proposed under the authority of these leases are subject to compliance with Section 106 of the NHPA and Executive Order 13007. Standard terms and conditions as well as special stipulations listed in the RMP would also apply.

Many of the parcels have one or more of the following stipulations attached to the lease, as shown in Appendix 1 of the EA:

Arch Zone 7	Archeological Stipulation
NV-060-NA1	Native American Consultation required
NSO-065-06	Timing Limitation Stipulation (Sage Grouse Winter Habitat)
NV-065-13	Timing Limitation Stipulation (Bighorn Sheep Lambing)
NV-065-08	Timing Limitation Stipulation (Mule Deer Crucial Winter Habitat)
NV-065-24	Migratory Birds Nesting Season Restriction
NV-065-21	Off Highway Vehicle Restriction Stipulation
NSO-065-01	No Surface Occupancy (Jumbled Rock Petroglyphs)
NV-065-27	Threatened, Endangered, and Special Status Species (Golden Eagle)
NSO-065-3	No Surface Occupancy (Lunar Crater Special Recreation Management Area)
NV-065-28	Timing Limitation Stipulation (Raptor Nest Sites)

No additional mitigation measures are necessary at this time; however, if parcels are developed in the future, site specific mitigation measures and BMPs would be attached as a Condition of Approval (COA) for each proposed activity.

INTENSITY:

1) *Impacts that may be both beneficial and adverse.*

The EA considered both beneficial and adverse impacts of the Proposed Action.

The Proposed Action does not include exploration, development, or production of oil and gas resources; however, these activities are associated with oil and gas leasing.

Impacts of the Proposed Action include the following: temporarily degraded air quality from

fugitive dust from the disturbance of the local soil profile, impacts on land use authorizations, water quality, wastes (hazardous or solid), vegetation, wildlife, grazing, recreation, mineral resources, migratory birds, and a temporary impact to visual resources. These impacts, which are described in detail in Chapter 4 of the EA, would be minimized by the lease stipulations and mitigated by measures outlined in Appendix B and E.

None of the environmental impacts disclosed above and discussed in detail in Chapter 4 of the EA are considered significant.

2) The degree to which the proposed action affects public health or safety.

The Proposed Action minimally affects public health or safety. If exploration drilling is later authorized and conducted on the leased parcels; personnel working on the drill rig will bar the public from the drill site. Trash will be contained on-site and hauled to an approved landfill. Portable toilets will be used for human waste and will not be chemically treated or buried on site.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no areas of Critical Environmental Concern (ACEC), prime farmlands, wetlands, or wild and scenic rivers within the area of the nominated parcels. No new National Register eligible properties have been identified. In addition, the EA did not identify any significant impacts to unique species or their habitats.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The Proposed Action is not expected to be controversial. The BLM coordinated with the Nevada Division of Wildlife (NDOW) by informal email describing the Proposed Action and asking for their concerns. NDOW responded in a letter and their concerns were addressed in the EA.

Although the possibility of disturbing Native American gravesites within the area of the nominated parcels is low, inadvertent discovery procedures must be noted. Under the Native American Graves Protection and Repatriation Act, section (3)(d)(1), it states that the discovering individual must notify the land manager (Thomas J. Seley, Field Manager, Tonopah Field Office, P.O. Box 911, 1553 S. Main, Tonopah, NV 89049) in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity which caused the discovery is to cease and the site and materials are to be protected until the land manager can respond to the situation.

The Environmental Assessment has been available for public review and comment on the Battle Mountain Field Office website from July 15, 2011 to August 12, 2011.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no known effects of the Proposed Action identified in the EA that are considered uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action will not establish a precedent for future actions with significant effects or represent a decision about future consideration. Completion of the EA does not establish a precedent for other oil and gas competitive lease sales of similar size or scope. Any future leasing within the project area or in surrounding areas will be analyzed on their own merits and implemented, or not, independent of the actions currently selected.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Past, present and reasonably foreseeable future actions have been considered in the cumulative impacts analysis within the EA. The cumulative impacts analysis examined all of the other appropriate actions and determined that the proposed action would not incrementally contribute to significant impacts. In addition, for any actions that might be proposed in the future, further environmental analysis, including assessment of cumulative impacts, would be required prior to surface disturbing activities.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

At the time an Exploration Permit or Application for Permit to Drill is received, sight specific analysis and mitigation will minimize any risk to districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA), as amended, of 1973.

Based on communication with NDOW and BLM wildlife biologist, there will be no significant impacts to threatened or endangered species or habitat as a result of the proposed action. No significant cumulative effects are likely to threatened or endangered species as a result of the proposed action. At the time of site specific analysis, mitigation measures will be designed to reduce any significant impacts to the threatened or endangered species.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action will not violate or threaten to violate any federal, state, or local law or requirement imposed for the protection of the environment.

Thomas J. Seley
Field Manager

Date